

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-cv-12257-PBS
)	
)	Subcategory No. 06-11337-PBS
)	Civil Action No. 08-cv-10852
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-</i>)	Judge Patti B. Saris
<i>Care of the Florida Keys, Inc., by and</i>)	
<i>through its principal officers and directors,</i>)	
<i>Zachary T. Bentley and T. Mark Jones v.</i>)	
<i>Actavis Mid Atlantic LLC, et al.</i>)	

**THIRD JOINT MOTION TO EXTEND THE ORDER OF DISMISSAL
AS TO DEFENDANTS ALPHARMA INC., ALPHARMA USPD INC., f/k/a BARRE-
NATIONAL, INC., BARRE PARENT CORP., AND ACTAVIS MID ATLANTIC LLC**

The Relator, Ven-a-Care of the Florida Keys, Inc., and Defendants, Alpharma Inc., Alpharma USPD Inc., f/k/a Barre-National, Inc., Barre Parent Corp., and Actavis Mid Atlantic LLC (collectively, “Actavis”), (the Relator and Actavis collectively, “the Parties”) hereby move the Court to extend the Order of Dismissal of May 27, 2011 (Doc. # 178) a third time, to allow the Parties an additional 39 days to conclude their settlement discussions and obtain the United States’ consent to the settlement before the Order of Dismissal becomes final.

At a hearing on May 24, 2011, the Parties reported to the Court that they had reached agreements in principle on settlements of the actions against Actavis. However, the parties reported it would take some time to draft and negotiate the details of the settlement documents, to secure the written consent of the United States and to seek the Court’s written consent as required by 31 U.S.C § 3730(b). Thereupon the Court entered an Order of Dismissal on May 27, 2011 allowing the parties 90 days to finalize the settlement. Doc. #178. At the request of the

Parties, the 90-day period was extended to October 24, 2011 by Electronic Court Order on August 30, 2011, and by Electronic Order on October 21, 2011 was further extended to December 8, 2011.

The Parties have continued to work diligently to complete the settlement in this case as well as the companion Texas case, and believe they will soon be in a position to submit the settlement agreement and US Consent for execution by the Parties and the United States respectively. However, despite their efforts, the Parties will be unable to complete the settlement by the current deadline of December 8, 2011.

Accordingly, the Parties request that the Court modify its Order of Dismissal to allow the Parties an additional 39 days (until January 16, 2012) to file the requisite documents with the Court seeking dismissals with prejudice pursuant to their settlement.

Dated: December 6, 2011.

Respectfully submitted,

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/s/ Amy T. Tridgell by Rand J. Riklin
with permission

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CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of December, 2011 caused an electronic copy of the above SECOND JOINT MOTION TO EXTEND THE ORDER OF DISMISSAL AS TO DEFENDANTS ALPHARMA INC., ALPHARMA USPD INC., f/k/a BARRE-NATIONAL, INC., BARRE PARENT CORP., and ACTAVIS MID ATLANTIC LLC to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Rand J. Riklin

Rand J. Riklin